

App. No. 10/716,800
Amdt. Dated October 6, 2005
Reply to Office Action of July 6, 2005
Atty. Dkt. No. 8591-113

REMARKS/ARGUMENTS

This reply is responsive to an Office Action mailed on July 6, 2005. Reconsideration and allowance of the application and presently pending claims 1-27 are respectfully requested.

Present Status of the Patent Application

Claims 1-27 remain pending in the present application. Claims 1-27 have been rejected. Claims 1, 5, 10, 14, 19, and 23 have been amended. The amendments to the claims were made to render them more clear and definite and to emphasize the patentable novelty thereof. There is no intent to surrender equivalence.

Amendment of the Specification

Amendment of the third paragraph of the specification has been made due to a number of blank areas for the serial numbers of co-pending cases. Applicant has amended the third paragraph to include these serial numbers.

Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-27 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Gaukel (US Pat. No. 6,100,806). Applicant respectfully traverses this rejection.

Gaukel discloses an apparatus and method of monitoring mobile objects or persons utilizing the Global Positioning System satellites and cellular telephone communications. The apparatus includes remote units capable of receiving positioning information from the GPS satellites and transmitting information via cellular telephone communications to a central tracking station. The remote units may also monitor other data items such as system integrity, motion, temperature, etc. As shown in FIG. 14, a

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path traveled by a person from one location to another, for a given period of time, is displayed.

For a proper rejection of a claim under 35 U.S.C. §102(b), the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

Independent Claim 1

Independent claim 1, as amended, is allowable for at least the reason that Gaukel does not disclose, teach, or suggest that "[a] method of communication for a confined area of a facility" or "displaying direction indicia from the displaying station to a selected one of said icons."

In this regard, and with reference to the teaching of the Gaukel patent, the Office Action has cited the abstract; FIGS. 1-3, 13, and 14; and col. 19, line 1 to col. 20, line 30.

As can be verified from a review of these cited portions of Gaukel, there is no teaching or disclosure of "[a] method of communication for a confined area of a facility." Gaukel merely discloses in the abstract "[a]n apparatus and method of monitoring mobile objects or persons utilizes the Global Positioning System satellites and cellular telephone communications." The Global Positioning System (GPS), as the name implies, covers the entire globe; and cellular telephone communications, while not completely global, cover a significant portion of the globe. Neither of the areas covered would be considered "a confined area." In fact, the method of Gaukel appears to teach away from "a confined area of a facility" by monitoring between a plurality of facilities such as home, work, school, DOC, store, etc. as shown in FIG. 13. Furthermore, a goal of Gaukel is to know where the person is at all times, not just when they are in the areas that they are allowed to be in, such as inclusion zones, but also in exclusion

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zones, or the entire continental United States as shown in Fig. 11. Therefore, Gaukel does not disclose "[a] method of communication for a confined area of a facility."

As can be further verified from a review of these cited portions of Gaukel, there is no teaching or disclosure of "displaying direction indicia from the location of the guest to the selected one of said icons." Gaukel merely discloses in FIG. 14 a display of a download of time stamped geographic locations of a remote unit. This display merely shows a path the remote unit has already traveled **without** any relationship to the graphic work station 80 or the customer's work station 92, **not** a "direction indicia from the location of the guest to a selected one of said icons." Therefore, Gaukel does not disclose "displaying direction indicia from the location of the guest to the selected one of said icons." There is no teaching, nor suggestion, of a guest, nor "personal identification information of a guest." Gaukel merely teaches illustrating a path previously traveled by a person.

Additionally, there is no disclosure, nor suggestion, of "receiving personal identification information of a guest into at least one of a set of stations distributed throughout the confined area." Gaukel does not disclose a "guest," nor "personal identification information" from a guest. Also, Gaukel does not disclose a "set of stations distributed throughout the confined area."

Gaukel furthermore does not teach nor suggest "receiving from the guest a selected signal indicative of at least one of said person icons or place icons." Gaukel does not select any icon. Instead, Gaukel merely discloses a path of travel of a given individual being tracked.

Additionally, Gaukel does not teach, nor suggest, "selecting a certain route to a selected one of said icons." Gaukel does not select any route. Instead, Gaukel merely displays a previously traveled route for a given individual being tracked.

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In short, Gaukel does not disclose a "confined area," a "guest" having "personal identification information," "receiving from the guest a select signal," "selecting a certain route," nor "displaying direction indicia from the location of the guest to the selected one of said icons."

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Gaukel patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Gaukel patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Independent Claim 10

Independent claim 10, as amended, is allowable for at least the reason that Gaukel does not disclose, teach, or suggest the various claimed features as described above regarding claim 1. Accordingly, the Gaukel patent fails to teach or disclose the invention as defined by claim 10, and the rejection of claim 10 should be withdrawn.

Independent Claim 19

Independent claim 19, as amended, is allowable for at least the reason that Gaukel does not disclose, teach, or suggest the various claimed features as described above regarding claim 1. Accordingly, the Gaukel patent fails to teach or disclose the invention as defined by claim 19, and the rejection of claim 19 should be withdrawn.

Dependent Claims

Dependent claims 2-9, 11-18, and 20-27 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 1, 10, and 19, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

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CONCLUSION

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereover.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 1-27 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-231-3666.

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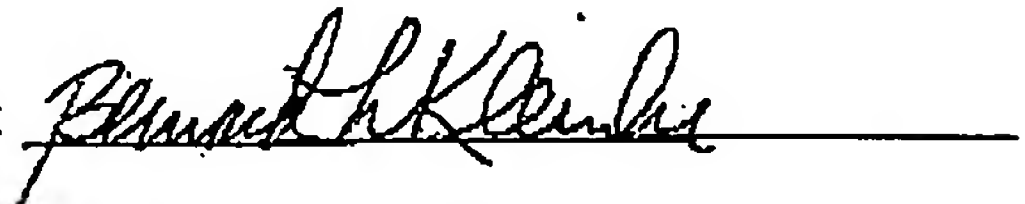
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: October 6, 2005

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